

1 THE HONORABLE RICARDO S. MARTINEZ
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 COMAIR LIMITED,

11 Plaintiff,

12 vs.

13 THE BOEING COMPANY,

14 Defendant.

15 No. 2:23-cv-00176-RSM

16 STIPULATED MOTION AND ORDER
17 FOR LEAVE TO FILE BOEING'S
18 REDACTED PLEADING (MOTION TO
19 DISMISS AND CONNELLY
20 DECLARATION)

21 NOTED FOR CONSIDERATION:
22 APRIL 11, 2023

23 **INTRODUCTION**

24 Pursuant to Local Civil Rule 5(g)(3)(B)(iii), Defendant The Boeing Company ("Boeing")
25 and Plaintiff Comair Limited ("Comair") respectfully move this Court to grant Boeing leave to
26 file redacted versions of Boeing's Motion to Dismiss Comair's Complaint ("Motion to Dismiss")
and the April 3, 2023 Declaration of Ulrike B. Connelly ("Connelly Declaration") submitted in
support of the Motion to Dismiss, and maintain the unredacted copies under seal because Boeing
contends they contain copies, quotations and summaries of confidential documents containing
sensitive contractual terms. The proposed public versions of the Motion to Dismiss and the
Connelly Declaration, with redactions applied for the Court's convenience, are attached as
Exhibit A and Exhibit B, respectively.

PROCEDURAL HISTORY

The Parties jointly follow up on their prior request to seal the Motion to Dismiss and the Connelly Declaration, which the Court granted on April 4, 2023. *See* ECF No. 27. Boeing contends that of Boeing’s 22-page Motion to Dismiss, only 17 clauses or sentences that directly cite or summarize confidential purchase agreements containing sensitive contract terms should remain under seal to protect Boeing and its customers’ confidential contracts. Boeing further contends that Exhibits 1–4 to the Connelly Declaration, which reflect the actual purchase agreements, should remain under seal to protect Boeing and its customers’ confidential contracts.

LEGAL STANDARD AND ARGUMENT

This stipulation adopts and incorporates by reference the Parties' Stipulated Motion and Order for Leave to File Under Seal at ECF No. 24. For the reasons set out in the Stipulated Motion, Boeing contends the particular contractual terms of the purchase agreements excerpted or summarized in Boeing's Motion to Dismiss—as well as the purchase agreements contained in the Connelly Declaration—should be redacted in the public filing. Redacting only this information is the least restrictive method available to ensure protection of Boeing's confidential and sensitive information. *See* LR (5)(g)(3)(B)(iii) (requiring the least restrictive method to ensure protection of material to be sealed). Because there are no less restrictive alternatives available, Boeing proposes redacting this information and Comair does not object.

CONCLUSION

For the foregoing reasons, the Parties respectfully request that this Court grant Boeing leave to file its Motion to Dismiss and the Connelly Declaration, attached as Exhibit A and Exhibit B (with the proposed redactions applied), respectively, leaving sealed only the clauses and sentences that disclose the contents of Boeings' proprietary business contracts, and the contracts themselves.

IT IS SO STIPULATED by and between the Parties.

DATED: April 11, 2023

By: *s/Kristy A. Schlesinger*

By: s/ Ulrike B. Connelly

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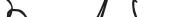
ORDER

Based upon the foregoing Stipulation, the Court hereby:

ORDERS, ADJUDGES AND DECREES that the redacted copies of Boeing's Motion to Dismiss and the Connelly Declaration, attached as Exhibit A and Exhibit B to the Stipulation, may be filed on the docket.

IT IS SO ORDERED.

DATED this 12th day of April, 2023.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE